

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

OWEN P. MARTIKAN (CSBN 177104)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7241
Facsimile: (415) 436-7234
owen.martikan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MEDINA,

Defendant.

CR No.: 3-08-70174 JCS

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

On April 14, 2008, the parties in this case appeared before the Court for a preliminary hearing. At that time, the parties requested and the Court agreed to continue the hearing to April 25, 2008. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from April 14, 2008, to and including April 25, 2008. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. This continuance is the reasonable time necessary for continuity of

defense counsel and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

DATED: 4/15/08

JOSEPH P. RUSSONIELLO
United States Attorney

OWEN P. MARTIKAN
Assistant United States Attorney

DATED: 4/14/08

RONALD C. TYLER
Attorney for Jose Medina

[PROPOSED] ORDER

For the reasons stated above, the Court finds that an exclusion of time from April 14, 2008, to and including April 25, 2008, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny Mr. Medina continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

HON. JAMES LARSON
United States Magistrate Judge